BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HARTLEY *et al.*

Appl. No. 09/648,790

Filed: August 28, 2000

For: **Recombinational Cloning Using Nucleic Acids Having Recombination Sites**

Confirmation No. 9852

Art Unit: 1636

Examiner: Sandals, W.

Atty. Docket: 0942.285000C/RWE/BJD

#10B

Amendment and Reply Under 37 C.F.R. § 1.111

3rd a
8/6/02

Commissioner for Patents
Washington, DC 20231

Sir:

In reply to the non-final Office Action dated March 26, 2002 (Paper No. 6), Applicants submit the following remarks. This Amendment and Reply is provided in the following format:

(A) A clean version of each replacement paragraph/section/claim along with clear instructions for entry;

(B) Starting on a separate page, appropriate remarks and arguments. *See* 37 C.F.R. § 1.121 and MPEP § 714; and

(C) Starting on a separate page, a marked-up version entitled: "Version with markings to show changes made."

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a),

and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 19-0036.

Amendments

Please amend the application as follows:

In the Drawings:

Please delete the informal drawings submitted with the application as filed, and substitute therefor the formal drawings submitted herewith.

In the Claims:

Please cancel claim 1 without prejudice to or disclaimer of the subject matter contained herein.

Please amend the remaining claims as follows:

Please substitute the following claim 52 for currently pending claim 52:

52. (Once amended) An *in vitro* method of cloning a Polymerase Chain Reaction (PCR) product comprising:

(a) obtaining a PCR product comprising a first recombination site and a second recombination site which do not recombine with other; and

(b) combining said PCR product *in vitro* with a vector comprising a third recombination site and a fourth recombination site which do not recombine with each other, under conditions such that recombination occurs between said